

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO.2662 OF 2017

Taranjit Resham Singh Saini & Anr.] ... Petitioners

Versus

Smt. Tanminder Kaur Bimbh & Anr.] ... Respondents

Mr. C. S. Joshi for Petitioners.

Mr. K. V. Saste, APP for State.

**CORAM :- RANJIT MORE &
SARANG V. KOTWAL, JJ.**

DATE :- 18 JULY, 2017

P. C. :-

1. Heard the learned Advocate for petitioners and the learned APP.

2. The petition is filed for quashing and setting aside the FIR bearing 287 of 2017 registered with MIDC Police Station, Andheri (East), Mumbai. The said FIR is registered against the petitioners at the instance of the respondent no.1 for the offences punishable under Sections 420, 498A and 323 r/w 34 of the IPC.

3. The learned Advocate for the petitioners submits that the FIR is a counter-blast to the proceedings taken out by the petitioner

no.1 for divorce. He relied upon the whatsapp chats between the respondent no.1 and the petitioner no.1 as well as respondent no.1 and her father which are annexed to the petition at Exh.A-2 and F respectively and submits that the allegations made in the FIR are *mala fide* and afterthought.

4. We have gone through the copy of the FIR annexed as Exh.C to the petition. The respondent no.1 has alleged in the FIR that the petitioner no.1 asked her to bring an amount of Rs.50 Lakhs from her father and because it is not complied, the petitioner no.1 continued harassment. She has also stated that the petitioner no.1 concealed his first marriage and thereby deceived her. In our opinion, the allegations disclose commission of the cognizable offence.

5. So far as the whatsapp chats relied upon by the learned Advocate for the petitioners, we cannot take them into consideration at this stage to quash the subject FIR. It is for the petitioners to produce this material before the police to enable them to make proper investigation in the subject FIR. The veracity of the allegations made in the FIR cannot be challenged at this stage.

6. In the above circumstances, we are not inclined to entertain the petition to exercise our jurisdiction under Article 226 of the Constitution of India. The petition is accordingly dismissed.

(SARANG V. KOTWAL, J.)

(RANJIT MORE, J.)